

MONTANA LEGISLATIVE HISTORY

44 pages
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Chapter 498 19 89

Bill H 597 S _____

Original bill & history ☒ c

H. Committee on Education

Hearing Date(s) 2-15 _____ c

2-17 _____ c

_____ c

_____ c

Date Out _____ c

S. Committee on Education

Hearing Date(s) 3-15 _____ c

2-17 _____ c

_____ c

_____ c

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

HOUSE FINAL STATUS

HB 596 INTRODUCED BY GRINDE
 REQUIRE DEPARTMENT OF FISH, WILDLIFE, & PARKS
 TO PROVIDE OFF-HIGHWAY VEHICLE DECALS
 TO COUNTY

2/07	INTRODUCED		
2/08	REFERRED TO HIGHWAYS & TRANSPORTATION		
2/09	FISCAL NOTE REQUESTED		
2/14	HEARING		
2/15	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/15	FISCAL NOTE RECEIVED		
2/16	FISCAL NOTE PRINTED		
2/18	2ND READING PASSED	96	1
2/21	3RD READING PASSED	96	1
	TRANSMITTED TO SENATE		
2/28	REFERRED TO FISH & GAME		
3/09	HEARING		
	DIED IN COMMITTEE		

HB 597 INTRODUCED BY DARKO, ET AL.
 REQUIRE SCHOOL BOARD POLICY ON PLACEMENT TESTS FOR
 CHILD FROM HOME SCHOOL

2/07	INTRODUCED		
2/08	REFERRED TO EDUCATION & CULTURAL RESOURCES		
2/15	HEARING		
2/18	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/20	2ND READING PASSED	71	25
2/21	3RD READING PASSED	72	26
	TRANSMITTED TO SENATE		
2/28	REFERRED TO EDUCATION & CULTURAL RESOURCES		
3/15	HEARING		
3/18	COMMITTEE REPORT--BILL CONCURRED AS AMENDED		
3/20	2ND READING CONCURRED	48	0
3/22	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE WITH AMENDMENTS		
3/31	2ND READING AMENDMENTS CONCURRED	84	7
4/01	3RD READING AMENDMENTS CONCURRED	81	11
4/06	SIGNED BY SPEAKER		
4/06	SIGNED BY PRESIDENT		
4/06	TRANSMITTED TO GOVERNOR		
4/11	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 498 EFFECTIVE DATE: 10/01/89		

HB 598 INTRODUCED BY STRIZICH
 GRANT CRIME CONTROL BOARD AUTHORITY OVER DETENTION
 CENTERS
 BY REQUEST OF BOARD OF CRIME CONTROL

2/07	INTRODUCED		
2/08	REFERRED TO JUDICIARY		
2/16	HEARING		
2/16	COMMITTEE REPORT--BILL PASSED		
2/18	2ND READING PASSED	92	5
2/21	3RD READING PASSED	91	4

HOUSE BILL NO. 597

INTRODUCED BY DARKO, SCHYE

IN THE HOUSE

FEBRUARY 7, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.
FEBRUARY 8, 1989	FIRST READING.
FEBRUARY 18, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 20, 1989	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 21, 1989	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 72; NOES, 26.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 28, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.
	FIRST READING.
MARCH 18, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 20, 1989	SECOND READING, CONCURRED IN.
MARCH 22, 1989	THIRD READING, CONCURRED IN. AYES, 49; NOES, 0.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 31, 1989	RECEIVED FROM SENATE.
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SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 1, 1989

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *HOUSE* BILL NO. *597*
 2 INTRODUCED BY *Marko Selby*
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE TRUSTEES
 5 OF A SCHOOL DISTRICT TO ADOPT AND ADMINISTER A POLICY FOR
 6 PLACEMENT TESTING OF ANY CHILD WHO ENROLLS IN A SCHOOL OF
 7 THE DISTRICT AND WHOSE PREVIOUS PLACE OF INSTRUCTION WAS A
 8 HOME SCHOOL; REQUIRING A HOME SCHOOL TO NOTIFY THE COUNTY
 9 SUPERINTENDENT EACH YEAR OF A STUDENT'S ATTENDANCE AT THE
 10 SCHOOL; AND AMENDING SECTIONS 20-3-324 AND 20-5-109, MCA."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 NEW SECTION. **Section 1.** School district placement
 14 testing of a child who enrolls from a home school. The
 15 trustees of a school district shall:

16 (1) adopt a district policy on placement testing of any
 17 child who enrolls in a school of the district and whose
 18 previous place of instruction was a home school as defined
 19 in 20-5-102(2)(f);

20 (2) include in the adopted policy the following
 21 provisions:

22 (a) the specific placement test or tests to be
 23 administered to any child subject to the provisions of
 24 subsection (1);

25 (b) a procedure for grade and program placement of the

1 child based on results of the placement testing, including
 2 considerations for the age and identified abilities of the
 3 child; and

4 (c) a hearing process before the board of trustees of
 5 the district if the parent or guardian of a child is not in
 6 agreement with the placement of the child and requests a
 7 hearing before the board; and

8 (3) administer the adopted policy required in
 9 subsection (1) in a uniform and fair manner.

10 **Section 2.** Section 20-3-324, MCA, is amended to read:

11 "20-3-324. Powers and duties. As prescribed elsewhere
 12 in this title, the trustees of each district shall ~~have the~~
 13 ~~power and it shall be their duty to perform the following~~
 14 ~~duties or acts:~~

15 (1) employ or dismiss a teacher, principal, or other
 16 assistant upon the recommendation of the district
 17 superintendent, the county high school principal, or other
 18 principal as the board ~~may deem~~ considers necessary,
 19 accepting or rejecting ~~such~~ any recommendation as the
 20 trustees ~~shall~~ in their sole discretion determine, in
 21 accordance with the provisions of Title 20, chapter 4;

22 (2) employ and dismiss administrative personnel,
 23 clerks, secretaries, teacher aides, custodians, maintenance
 24 personnel, school bus drivers, food service personnel,
 25 nurses, and any other personnel ~~deemed~~ considered necessary

1 to carry out the various services of the district;

2 (3) administer the attendance and tuition provisions
3 and otherwise govern the pupils of the district in
4 accordance with the provisions of the pupils chapter of this
5 title;

6 (4) call, conduct, and certify the elections of the
7 district in accordance with the provisions of the school
8 elections chapter of this title;

9 (5) participate in the teachers' retirement system of
10 the state of Montana in accordance with the provisions of
11 the teachers' retirement system chapter of Title 19;

12 (6) participate in district boundary change actions in
13 accordance with the provisions of the districts chapter of
14 this title;

15 (7) organize, open, close, or acquire isolation status
16 for the schools of the district in accordance with the
17 provisions of the school organization part of this title;

18 (8) adopt and administer the annual budget or an
19 emergency budget of the district in accordance with the
20 provisions of the school budget system part of this title;

21 (9) conduct the fiscal business of the district in
22 accordance with the provisions of the school financial
23 administration part of this title;

24 (10) establish the ANB, foundation program, permissive
25 levy, additional levy, cash reserve, and state impact aid

1 amount for the general fund of the district in accordance
2 with the provisions of the general fund part of this title;

3 (11) establish, maintain, budget, and finance the
4 transportation program of the district in accordance with
5 the provisions of the transportation parts of this title;

6 (12) issue, refund, sell, budget, and redeem the bonds
7 of the district in accordance with the provisions of the
8 bonds parts of this title;

9 (13) when applicable, establish, financially administer,
10 and budget for the tuition fund, retirement fund, building
11 reserve fund, adult education fund, nonoperating fund,
12 school food services fund, miscellaneous federal programs
13 fund, building fund, lease or rental agreement fund, traffic
14 education fund, and interlocal cooperative agreement fund in
15 accordance with the provisions of the other school funds
16 parts of this title;

17 (14) when applicable, administer any interlocal
18 cooperative agreement, gifts, legacies, or devises in
19 accordance with the provisions of the miscellaneous
20 financial parts of this title;

21 (15) hold in trust, acquire, and dispose of the real and
22 personal property of the district in accordance with the
23 provisions of the school sites and facilities part of this
24 title;

25 (16) operate the schools of the district in accordance

1 with the provisions of the school calendar part of this
2 title;

3 (17) establish and maintain the instructional services
4 of the schools of the district in accordance with the
5 provisions of the instructional services, textbooks,
6 vocational education, and special education parts of this
7 title;

8 (18) establish and maintain the school food services of
9 the district in accordance with the provisions of the school
10 food services parts of this title;

11 (19) make ~~such~~ reports from time to time as the county
12 superintendent, superintendent of public instruction, and
13 board of public education may require;

14 (20) retain, when ~~deemed~~ considered advisable, a
15 physician or registered nurse to inspect the sanitary
16 conditions of the school or the general health conditions of
17 each pupil and, upon request, make available to any parent
18 or guardian any medical reports or health records maintained
19 by the district pertaining to his child;

20 (21) for each member of the trustees, visit each school
21 of the district not less than once each school fiscal year
22 to examine its management, conditions, and needs, except
23 trustees from a first-class school district may share the
24 responsibility for visiting each school in the district;

25 (22) procure and display outside daily in suitable

1 weather at each school of the district an American flag
2 ~~which shall be~~ that measures not less than 4 feet by 6 feet;
3 and

4 (23) adopt and administer a district policy on placement
5 testing of any child who enrolls in a school of the district
6 from a home school as required in [section 1]; and

7 ~~(23)~~ (24) perform any other duty and enforce any other
8 requirements for the government of the schools prescribed by
9 this title, the policies of the board of public education,
10 or the rules of the superintendent of public instruction."

11 **Section 3.** Section 20-5-109, MCA, is amended to read:

12 "20-5-109. Nonpublic school requirements for compulsory
13 enrollment exemption. To qualify its students for exemption
14 from compulsory enrollment under 20-5-102, a nonpublic or
15 home school shall:

16 (1) maintain records on pupil attendance and disease
17 immunization and make ~~such~~ the records available to the
18 county superintendent of schools on request;

19 (2) provide at least 180 days of pupil instruction or
20 the equivalent in accordance with 20-1-301 and 20-1-302;

21 (3) be housed in a building that complies with
22 applicable local health and safety regulations;

23 (4) provide an organized course of study that includes
24 instruction in the subjects required of public schools as a
25 basic instructional program pursuant to 20-7-111; and

1 (5) in the case of home schools, notify the county
2 superintendent of schools each school fiscal year of the
3 student's attendance at the school."

4 NEW SECTION. **Section 4.** Extension of authority. Any
5 existing authority to make rules on the subject of the
6 provisions of [this act] is extended to the provisions of
7 [this act].

8 NEW SECTION. **Section 5.** Codification instruction.
9 [Section 1] is intended to be codified as an integral part
10 of Title 20, chapter 5, part 1, and the provisions of Title
11 20 apply to [section 1].

-End-

STATUS SHEET

51st LEGISLATIVE SESSION

EDUCATION AND CULTURAL RESOURCES COMMITTEE

HOUSE BILL NUMBER	ENTERED COM. DATE	DATE CON- SIDERED	OUT OF COM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMENDED DATE	DO NOT PASS AS AMENDED DATE	BE CON- CURRED IN DATE	BE NOT CON- CURRED IN DATE	BE CON- CURRED IN AMENDED DATE	BE NOT CONCURRED IN AS AMENDED DATE
517	2-3-89	2-13-89	TABLED 2-17-89								
518	2-3-89	2-13-89	2-17-89			2-17-89					
519	2-3-89	2-10-89	2-10-89			2-10-89					
527	2-6-89	2-10-89	2-10-89	2-10-89							
561	2-6-89	2-13-89	2-17-89			2-17-89					
569	2-6-89	2-13-89	2-15-89	2-15-89							
597	2-9-89	2-15-89	2-17-89			2-17-89					
618	2-10-89	2-13-89	2-13-89	2-13-89							
646	2-13-89	2-15-89	2-15-89	2-15-89							
665	2-13-89	2-15-89	2-15-89	2-15-89							
674	2-13-89	2-17-89	TABLED 2-17-89								
685	2-14-89	2-17-89	2-17-89			2-17-89					
795	4-6-89	4-10-89	4-10-89			4-10-89					

Use a separate sheet for Senate Bills, House Bills, and Resolutions.

#4

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: By Chairman Ted Schye, on February 15, 1989, at
3:00 p.m.

ROLL CALL

Members Present: All

Members Excused: None

Members Absent: None

Staff Present: Andrea Merrill, Legislative Council Researcher

Announcements/Discussion: None

DISPOSITION OF HB 88

Motion: Rep. Darko made the motion to TABLE HB 88.

Discussion: Rep. Darko said her motion to TABLE came with
approval from the Sponsor of HB 88, Rep. Harper.

Amendments, Discussion, and Votes: None

Recommendation and Vote: Motion to TABLE HB 88 CARRIED upon
unanimous voice vote.

DISPOSITION OF HB 569

Motion: Rep. Kilpatrick made the motion that HB 569 DO PASS.

Discussion: None

Amendments, Discussion, and Votes: None

Recommendation and Vote: Motion CARRIED upon Roll Call Vote, 11
yes, 8 no.

DISPOSITION OF HB 561

Motion: Rep. Darko made the motion that HB 561 DO PASS.

Discussion: None

Amendments, Discussion, and Votes: Rep. Darko made the motion
that HB 561 DO PASS AS AMENDED (EXHIBIT 1.).

Recommendation and Vote: Following a brief series of question on

in the classroom.

Claudette Morton said HJR 20 closely parallels what the Board of Public Education passed in January and is therefore supported.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: Rep. Zook asked Rep. Spaeth who would decide if there would be a Pledge of Allegiance or salute to the flag. Rep. Spaeth replied the responsibility would be shared by administration, teachers and school boards across Montana. Rep. Zook then asked Rep. Spaeth if at some point somebody makes a decision would it still be considered voluntary. Rep. Spaeth answered that within the confines of the Board of Public Education it must remain voluntary to avoid litigation.

Rep. Simpkins asked Rep. Spaeth if HJR 20 is a reaction to HB 254 and he answered HJR 20 probably would not be in committee if HB 254 were not, but that there were other reasons not appropriate for discussion.

Rep. Eudaily asked Rep. Spaeth why sending the resolution to cities was omitted and he replied it was an oversight and would be a good improvement to HJR 20.

Closing by Sponsor: Rep. Spaeth said we cannot minimize the importance of the Pledge of Allegiance or of the flag, however we must temper our zealous attitudes and keep in mind the principles set forth in the Bill of Rights. He said HJR 20 is a broad encompassing philosophy of what makes this country great and goes beyond the symbolism of the flag to the basic roots of our country.

HEARING ON HB 597

Presentation and Opening Statement by Sponsor:

Rep. Paula Darko, District 2, Libby said HB 597 addresses two concerns with home schools. First, it mandates that schools districts have a policy to determine where a home schooler should be placed as far as level when entering public school. She said it is imperative the school system has a measure of the student's proficiencies, benefiting not only the school system but also the student. Secondly, Rep.

Darko said HB 597 would require annual reporting to be completed at the beginning of each school fiscal year or July 1st. Rep. Darko stated the County School Superintendents are having a difficult time tracking students since at the present time it is only mandatory to report once. She said it is extremely difficult at present to make sure students under the age of 16 are in some type of instructional setting.

Testifying Proponents and Who They Represent:

Kay McKenna, Lewis & Clark County Superintendent
J. Henry Badt, Montana Association of County School Superintendents
Holly Kalecyzc, Office of Public Instruction (OPI)
Bruce Moerer, Montana School Boards Association (MSBA)
Eric Feaver, Montana Education Association (MEA)

Proponent Testimony:

Kay McKenna said there needs to be some method when placing a child when he or she enters a public school so they can be successful academically. She said based on a study in Lewis & Clark County on home schools from 1983-88, 70% of home schools in the county operate for one year resulting in a refiltering back into the public school system. In 1988 a survey of County School Superintendents showed that 73% were in agreement that home and private school students should be tested annually. Ms. McKenna stated the bill would be less discriminatory in Section 1 if it were changed to include testing of students from any other school, be it public or private. She said that the OPI also calls for a yearly statistics from the County School Superintendents wanting to know how many home schools are in each county, including home many children both elementary and secondary are involved.

J. Henry Badt agreed with the remarks made by Kay McKenna. He added that home schools could notify the school districts as to why they are not enrolling in the public school system and possibly facilitate changes in the system.

Holly Kalecyzc said that Superintendent Keenan and the OPI supports appropriate placement for all students in public schools in Montana. She said educational experiences are maximized when students are appropriately placed and that students coming from home schools are no less deserving of this appropriate placement than other students. Ms. Kalecyzc stated that the notification and reporting provisions in HB 597 are very reasonable.

Bruce Moerer said the MSBA supports the concept of annual

reporting which allows for better service to home school students who do eventually return to the public school system.

Eric Feaver said it would be very appropriate not to discriminate against home school students on the basis of tests and measurements of placement and that all students entering the public school from whatever source be similarly tested.

Testifying Opponents and Who They Represent:

Doug Kelley, Attorney, Helena
Steve White, Executive Committee of Montana Home School Coalition
Bryan Asay, Montana Home School Coalition
Jeffrey Pennington, Private Citizen, Helena

Opponent Testimony:

Doug Kelley, (EXHIBIT 8.).

Steve White said the main objection to HB 597 is with the wording. He said it is extremely important not to single out home school students in the application of the law. Mr. White expressed great appreciation for Kay McKenna in Lewis & Clark County and her cooperation with home schooling families.

Bryan Asay objected to HB 597 particularly due to the discrimination factor.

Jeffrey Pennington, (EXHIBIT 9.).

Questions From Committee Members: Chairman Schye asked Doug Kelley if he supported the change by Kay McKenna including students entering the public school system from any other source and he replied that would be the fair and equitable way to go.

Closing by Sponsor: Rep. Darko said in order to understand HB 597 it is necessary to understand accreditation standards. She said when a school goes through the process of accreditation they accept at face value the classes and requirements attained in another accredited school, allowing for easy transfer of students. The problems arise concerning placement when students desire entrance coming from non-accredited schools. Rep. Darko also said annual reporting is extremely important and necessary. She concluded her remarks by stressing that a standard state policy would be less likely to be discriminatory compared to allowing each school district to set their own policies.

HEARING ON HB 665

Presentation and Opening Statement by Sponsor:

DAILY ROLL CALL

EDUCATION & CULTURAL RESOURCES COMMITTEE

DATE February 15, 1989

NAME	PRESENT	ABSENT	EXCUSED
Rep. Ted Schye, Chairman	✓		
Rep. Fritz Daily, Vice-Chairman	✓		
Rep. Vicki Cocchiarella	✓		
Rep. Paula Darko	✓		
Rep. Ervin Davis	✓		
Rep. Ralph Eudaily	✓		
Rep. Floyd Gervais	✓		
Rep. Bill Glaser	✓		
Rep. Dan Harrington	✓		
Rep. John Johnson	✓		
Rep. Tom Kilpatrick	✓		
Rep. Richard Nelson	✓		
Rep. John Phillips	✓		
Rep. Richard Simpkins	✓		
Rep. Wilbur Spring, Jr.	✓		
Rep. Barry "Spook" Stang	✓		
Rep. Fred Thomas	✓		
Rep. Norm Wallin	✓		
Rep. Diana Wyatt	✓		
Rep. Tom Zook	✓		

EXHIBIT #8
DATE 2-15-89
HB 597

Kelley Law Firm:
Douglas B. Kelley
Bryan L. Asay

February 15, 1989

Honorable Ted Schye, Chairman
House Education and Cultural Resources Committee
Capitol Station
Helena, Montana 59620

Re: Testimony on HB 597

Dear Chairman Schye:

It has honestly been difficult for me to know whether we should testify for or against HB 597. As a long term attorney representing the interests of home schoolers all across the State of Montana, I am vitally concerned as to any legislation which directly affects their rights and responsibilities to raise their children.

History of home schooling. Montana has a long and proud tradition of home schooling. For a period of time, the interest in home schooling died down, and very few parents engaged in it. However, there have always been some parents who have engaged in home schooling by use of correspondence in Montana.

Due to an erroneous Attorney General's opinion misinterpreting the intention of the legislative body, we had a brief time where home schoolers were under serious legal investigation and attack. This hostile relationship was done away with in 1983 by the adoption of the present law.

The present law puts five requirements on home schoolers, which are as follows:

- (1) Maintain records on pupil attendance and disease immunization and make such records available to the county superintendent of schools on request;
- (2) Provide at least 180 days of pupil instruction or the equivalent;
- (3) Be housed in a building that complies with applicable local health and safety regulations;
- (4) Provide an organized course of study that includes instruction in the subjects required of public schools as a basic instructional program;
- (5) Notify the county superintendent of schools of the student's attendance at the school.

Kelley
LAW FIRM

1900 Flowerree
Helena, Montana 59601
(406) 442-0770

Present problems. We have experienced various difficulties in relationship to home schools. These problems have usually been caused either by an over-zealous school administrator or an ignorant home schooler. It has been my privilege to help clarify the communication problems that have arisen. Many times these problems are caused by the public educator feeling that the home schooler has rejected their system, and thus a defensive posture is taken by the public educator or the home educator.

Such simply is not the case. My experience with literally hundreds of home schoolers all across the State of Montana is that they are dedicated parents. They will do everything within their power to see that their kids have a first-rate education. The reasons for people home schooling are as diverse as the home schoolers. Some of the more common reasons are as follows:

- (1) Desire for the best education. Parents believe it is their responsibility to do the best they possibly can for their children, even if this means giving up a second job, cutting back on their income, or making such other life-changing experiences in order to accommodate the educational demands of their children.

- (2) Religious conviction. Many parents believe it is their God-given responsibility to "train up their children in the way in which they should go." They do not believe that they can delegate or assign this responsibility to any other person.

- (3) Dissatisfaction with public education. Of course, there are some who are motivated by dissatisfaction with public education. Rather than remaining in the public system as a thorn in the side and a source of discontent and dissatisfaction, they elect to remove their children and pay the price to educate them at home.

Present problems. The present problems relating between home schools and public schools are minimal. They are certainly a source of aggravation and irritation to some local county superintendents and to some principals and administrators who must deal with the re-integration of home schoolers back into their system. These problems might be best categorized as follows:

- (1) Reporting problems. Most home schoolers across the State of Montana are in compliance with the

notification requirement in 20-5-109. However, the home schoolers' primary complaint is that they are being harassed by over-zealous county superintendents who are demanding records to be supplied quarterly and that said administrators are requesting information that they are not entitled to.

(2) Superintendent problems. On the other hand, many superintendents are concerned that there is non-reporting and that they lack sufficient ability to institute proceedings against home schoolers. This problem is more a matter of perception than reality, as the truancy laws of the State of Montana permit the public schools to initiate proceedings against the parents if they believe that the children are not in a home school meeting the above five criteria. It is an extremely simple matter for a county superintendent to give notice and for a county attorney to initiate an action against the parents if they have reason to believe that they are in non-compliance with the above criteria.

I have had the privilege of representing a party in Billings, Montana, whose entire curriculum and course of study was reviewed by the District Court. After reviewing the matter, the District Court determined that the home school did not meet the criteria of "an organized course of study" and therefore entered its order accordingly. To my knowledge, this is the only matter that has actually proceeded to hearing.

There was one additional case where a home schooler was educating on one of Montana's Indian reservations. The tribe brought an action for failure to comply with the compulsory attendance laws adopted by the tribe. These compulsory attendance laws did not include the home school exemption enacted by the Montana legislature. After much discussion and dialogue, this matter was dropped.

Usually, the question is not 'are the kids being educated?'. It's a question of control. Who is in control?

Specific objections to HB 597. We have several specific concerns with HB 597. While we appreciate that it merely affects the duty and responsibility of the local school boards to establish placement policy, we are concerned that it is discriminatory against home schoolers and potentially punitive by its very nature. Without any exaggerated imagination, we can easily see where this law can be used as a local administrator's attempt to punish someone for electing a home school and cause a chilling effect for all other home

schoolers.

Perhaps if the language in Section 1 is to be maintained, it should include some language such as follows:

"There shall be no discrimination against students transferring into the public school in the selection, administration or interpretation of the tests. Parents shall have a right to review any and all tests to be administered and suggest suitable substitute tests to be given."

We also believe that the primary problem of students transferring back into the public school is one that can be solved quite easily through age placement and observation. We realize that Representative Darko is especially concerned about the stigmatization of removing kids once they are placed. With this concern, we heartily agree. Perhaps we can alleviate some of the deleterious effects of this legislation by making it applicable only to secondary placement.

Another way to make HB 597 more digestible is to broaden it to include all students transferring into a school district. Of course, this would include kids from all other schools - public, private, in-state and out-of-state. The whole idea of testing is not in and of itself evil. However, it lends itself to an undue emphasis and to discrimination and punitive aspects.

We want to say in closing that the Montana Home School Coalition and other interested and dedicated home schoolers across the State of Montana are doing everything that they can to increase the avenues of communication between the Office of Public Instruction and other parties interested in the education of the young people. We do not believe that HB 597 is needed. The requirements set forth in Sections 1 and 2 can be done now by the local school boards.

WITNESS STATEMENT

NAME Jeffrey M Pennington BILL NO. HB 597
ADDRESS 917 Elizabeth #1, Helena
WHOM DO YOU REPRESENT? Self, Family
SUPPORT _____ OPPOSE X AMEND _____

COMMENTS:

We educate our children at home. A major aspect of that education centers on how they should relate to their authorities. Those authorities being: the family, church, and state.

The function of government is to praise those who do well and punish those who do evil.

HB 597 would seem to do the opposite by putting further restrictions on home schoolers who willingly obey their authorities in order to attempt to constrain those who do not.

I believe it is this mindset: that we can legislate away the ills of society, that burdens law-abiding citizens with excessive bureaucracy and regulations. Instead of building relations it can cause a break-down.

I would appeal to you to weigh carefully the necessity of such a bill and its effectiveness, and dig deep into the present code to see if it does not already address these concerns.

I believe it does.

Thank you for your time.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

Education & Cultural Resources COMMITTEE

BILL NO HB 597DATE February 15, 1989SPONSOR Darko

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Douglas B Kelley	Helena		X
STEVE WHITE	HELENA		X
Bryan L. Asay	Helena		X
Jeffrey M Pennington	Helena		X
Myrl R. Swanson	TROY		X
Don W Raan	Troy		X
Tim Stenros	Troy		X
Ray McRaman	Helena	X	
Walter Long	S. A. M	X	
John G. Galt	MACSS	X	
Bruce W. Hoover	MSBA	✓	
Holly Kalczyk	OPI	X	
DOROTHY SIZELAND	HAMILTON	X	
Eric J. J.	MTA	✓	
Mignon Waterman	Self-school trustee	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: By Chairman Schye, on February 17, 1989, at 3:00 p.m.

ROLL CALL

Members Present: All

Members Excused: None

Members Absent: None

Staff Present: Andrea Merrill, Legislative Council Researcher

Announcements/Discussion: None

HEARING ON HOUSE BILL 685

Presentation and Opening Statement by Sponsor:

Rep. Daily, House District 69, opened stating that Mr. Lee Tuott, Butte Silver Bow Planning Director is present and would be turning the meeting over to him for the presentation of HB 685.

Testifying Proponents and Who They Represent:

Lee Tuott, Butte Silver Bow Planning Director
Marcella Sherfy, Preservation Officer of the Mt. Historical Society
Paul Powers, former Preservation Officer, Butte

Proponent Testimony:

Mr. Tuott stated that this bill coincides with this being Montana's Centennial year. It give businesses and individuals an incentive to renovate Montana's historical structures. He stated that State and federal government do not offer any direct grants for historic preservations, so any incentives that the people of Montana can provide are the only means available for the preservation of these properties. Mr. Tuott stated that there are 23 other states that have offered similar projects of this nature for historic properties. Mr. Tuott stated that this incentive is discretionary for local government. The properties that will be affected are listed in the register of the national historic district. He stated that there are newly constructed properties within those boundaries, and if the

HOUSE COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

February 17, 1989

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complicated formula that is used to decide what the State portion is and the mill levy for those districts, which means that if the tuition is increased the CC will be able to keep those extra dollars without losing their State funding.

Amendments, Discussion, and Votes: Rep. Eudaily moved to adopt the amendments. The motion CARRIED unanimously.

Recommendation and Vote: Rep. Eudaily moved a do pass as amended. Voice vote was taken. The motion CARRIED to DO PASS AS AMENDED. Rep. Nelson voted no.

DISPOSITION OF HOUSE BILL 561

Motion: Rep. Glaser moved HB 561.

Discussion: None

Amendments, Discussion, and Votes: Rep. Glaser moved to adopt the amendment. The amendment is to insert after B on line 5, "has not rejected a rehire offer by the districts since the date of termination". Rep. Glaser withdrew his motion on the amendment.

Rep. Eudaily offered a new amendment on line 6, page 2, strike the "quotes and period", and after "district" insert " not to exceed two contract years".

The motion was made to adopt the new amendment. The question was called. The motion CARRIED unanimously.

Recommendation and Vote: The motion was made to do pass as amended. The question was called. The motion CARRIED unanimously to DO PASS AS AMENDED.

DISPOSITION OF HOUSE BILL 597

Motion: Rep. Stang moved a do pass.

Discussion: None

Amendments, Discussion, and Votes: Rep. Darko moved to adopt the amendments. Rep. Darko explained the amendments. (See Standing Committee Report). Voice vote was taken. The motion CARRIED unanimously.

Recommendation and Vote: Rep. Darko moved a do pass as amended. Voice vote was taken. The motion CARRIED unanimously to DO PASS AS AMENDED.

DISPOSITION OF HOUSE JOINT RESOLUTION 20

Motion: Rep. Harrington moved a do pass.

HOUSE COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

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Discussion: None

Amendments, Discussion, and Votes: Rep. Simpkins proposed an amendment on line 25, page 2, to take the public schools out of the resolution.

Discussion followed.

Rep. Simpkins withdrew his amendment.

Recommendation and Vote: The motion was made to do pass. Voice vote was taken. The motion CARRIED unanimously to DO PASS.

DISPOSITION OF HOUSE BILL 254

Motion: Rep. Phillips moved a do pass.

Discussion: None

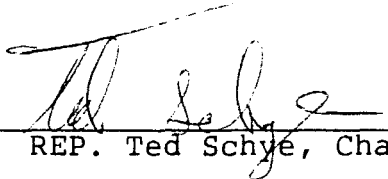
Amendments, Discussion, and Votes: Rep. Harrington moved to adopt the amendments. (See Standing Committee Report).

Rep. Phillips made a substitute motion to table the amendments. The motion FAILED 8/12. The motion was made to adopt the amendments. The question was called. Roll call vote was taken. The motion CARRIED 14/6 to DO PASS the amendments.

Recommendation and Vote: The motion was made to do pass as amended. Voice vote was taken. The motion CARRIED to DO PASS AS AMENDED.

ADJOURNMENT

Adjournment At: 5:00 p.m.



REP. Ted Schye, Chairman

TS/cj

4104.min

DAILY ROLL CALL

EDUCATION & CULTURAL RESOURCES

COMMITTEE

DATE February 17, 1989

NAME	PRESENT	ABSENT	EXCUSED
Rep. Ted Schye, Chairman	✓		
Rep. Fritz Daily, Vice-Chairman	✓		
Rep. Vicki Cocchiarella	✓		
Rep. Paula Darko	✓		
Rep. Ervin Davis	✓		
Rep. Ralph Eudaily	✓		
Rep. Floyd Gervais	✓		
Rep. Bill Glaser	✓		
Rep. Dan Harrington	✓		
Rep. John Johnson	✓		
Rep. Tom Kilpatrick	✓		
Rep. Richard Nelson	✓		
Rep. John Phillips	✓		
Rep. Richard Simpkins	✓		
Rep. Wilbur Spring, Jr.	✓		
Rep. Barry "Spook" Stang	✓		
Rep. Fred Thomas	✓		
Rep. Norm Wallin			✓
Rep. Diana Wyatt	✓		
Rep. Tom Zook	✓		

STANDING COMMITTEE REPORT

February 13, 1989

Page 1 of 2

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 597 (first reading copy -- white) do pass as amended .

Signed: _____
Ted Schye, Chairman

And, that such amendments read:

1. Title, line 5.

Following: "POLICY"

Insert: "ON ASSESSMENT"

2. Title, line 6.

Strike: "TESTING"

3. Title, line 8.

Strike: "HOME SCHOOL"

Insert: "NONPUBLIC SCHOOL THAT IS NOT ACCREDITED"

Following: "REQUIRING"

Strike: "A HOME"

Insert: "SUCH A"

4. Page 1, line 14.

Strike: "home"

Insert: "nonaccredited nonpublic"

5. Page 1, line 16.

Following: "policy on"

Insert: "assessment for"

Following: "placement"

Strike: "testing"

6. Page 1, lines 18 and 19.

Following: "was a"

Strike: remainder of line 18 through line 19

Insert: "nonpublic school that is not accredited;"

February 13, 1989
Page 2 of 2

7. Page 1, line 22.
Following: "specific"
Insert: "assessment for"
Following: "placement"
Strike: "test or tests"

8. Page 2, line 1.
Following: "of the"
Insert: "assessment for"
Following: "placement"
Strike: "testing"

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AVAILABLE

9. Page 6, line 4.
Following: "policy on"
Insert: "assessment for"

10. Page 6, line 5.
Strike: "testing"

11. Page 6, line 6.
Strike: "home school"
Insert: "nonpublic school that is not accredited,"

CHAIRMAN--SWEDE HAMMOND
SECRETARY--JULIE HARMALA
NORMAL SCHEDULE==> SITE: ROOM 402

COMMITTEE--(S) EDUCATION
DAYS: M,W,F TIME: 1:00 P.M.

OFFICE--ROOM 405-A

REFER

NOTE: BILL WILL BE LISTED TWICE IF REREFERRED BACK TO THE SAME COMMITTEE

BILL	DATE	DATE	LATEST DATE/ACTION ON BILL	
HB 324	02/28	03/14--(S)	ADVERSE COM RPT ADOPTED	(S) EDUCATION & CULTURAL RESOURCES TITLE-ALLOW SCHOOL DISTRICT CLERK TO TRANSFER AMONG ITEMS IN SCHOOL BUDGET
			SPONSOR: DAVIS, ERVIN	
HB 332	02/17	04/11--(H)	CHAPTER NUMBER	EFFECTIVE DATE: 10/01/89
			SPONSOR: CONNELLY, MARY ELLEN	TITLE-AUTHORITY OF COMMUNITY COLLEGE TRUSTEES AS TO COLLEGE PROPERTY AND FINANCE
HB 344	02/15	03/30--(H)	CHAPTER NUMBER	EFFECTIVE DATE: 10/01/89
			SPONSOR: NISBET, JERRY	TITLE-REVISE MONTANA SCHOOL FOR DEAF AND BLIND LAW
HB 346	02/14	04/06--(H)	CHAPTER NUMBER	EFFECTIVE DATE: 10/01/89
			SPONSOR: RICE, JIM	TITLE-EXEMPT SCHOOL DISTRICTS FROM REQUIREMENT TO PROVIDE SMOKING AREAS
HB 364	03/06	04/27--(H)	TRANSMITTED TO GOVERNOR	
			SPONSOR: NELSON, RICHARD	TITLE-EXPAND SCHOOL IMMUNIZATION REQUIREMENTS
HB 374	02/13	03/27--(H)	CHAPTER NUMBER	EFFECTIVE DATE: 07/01/89
			SPONSOR: PECK, RAY	TITLE-CHANGE TIME PERIOD FOR COMPUTATION OF ANB
HB 397	02/06	03/22--(H)	CHAPTER NUMBER	EFFECTIVE DATE: 03/22/89
			SPONSOR: EUDAILY, RALPH	TITLE-NAME CHANGE FOR WESTERN MONTANA COLLEGE OF THE UNIVERSITY OF MONTANA
HB 432	02/15	04/24--(H)	DIED IN PROCESS	
			SPONSOR: EUDAILY, RALPH	TITLE-CLARIFY THAT SCHOOL DISTRICTS ARE AUTHORIZED TO SERVE GIFTED AND TALENTED
HB 432	03/08	04/24--(H)	DIED IN PROCESS	
			SPONSOR: EUDAILY, RALPH	TITLE-CLARIFY THAT SCHOOL DISTRICTS ARE AUTHORIZED TO SERVE GIFTED AND TALENTED
HB 449	02/17	03/27--(H)	CHAPTER NUMBER	EFFECTIVE DATE: 07/01/89
			SPONSOR: SCHYE, TED	TITLE-GENERALLY REVISE LAWS RELATING TO SPECIAL EDUCATION COOPERATIVES
HB 455	02/15	04/11--(H)	CHAPTER NUMBER	EFFECTIVE DATE: 04/11/89
			SPONSOR: ZOOK, TOM	TITLE-MANDATORY TUITION APPROVAL FOR ELEMENTARY PUPIL TO ATTEND NEAREST SCHOOL
HB 481	02/15	03/14--(S)	ADVERSE COM RPT ADOPTED	(S) EDUCATION & CULTURAL RESOURCES
			SPONSOR: SPRING, JR., WILBUR	TITLE-CHANGE ACCUMULATED SICK LEAVE FUND OF SCHOOL DISTRICTS
HB 518	02/28	04/11--(H)	CHAPTER NUMBER	EFFECTIVE DATE: 07/01/89
			SPONSOR: STICKNEY, JESSICA	TITLE-REVISE COMMUNITY COLLEGE BUDGET PROCEDURES AND USE OF EXCESS STUDENT TUITION
HB 519	02/17	03/23--(H)	CHAPTER NUMBER	EFFECTIVE DATE: 07/01/90
			SPONSOR: BROOKE, VIVIAN	TITLE-REMOVE BRD OF PUBLIC EDUCATION'S AUTHORITY TO ALLOW USE OF 4-WHEEL VEHICLES
HB 527	02/17	03/23--(H)	CHAPTER NUMBER	EFFECTIVE DATE: 03/23/89
			SPONSOR: ZOOK, TOM	TITLE-ALLOW RELOCATION OF ISOLATED SCHOOL WITH LESS THAN 5 ANB
HB 561	02/28	04/08--(H)	CHAPTER NUMBER	EFFECTIVE DATE: 10/01/89
			SPONSOR: ADDY, KELLY	TITLE-CLARIFY THAT TENURE OF TEACHER NOT IMPAIRED IF TERMINATED
HB 569	02/28	05/02--(H)	SIGNED BY GOVERNOR	
			SPONSOR: NISBET, JERRY	TITLE-REVISE LAWS RELATING TO SCHOOL PIR DAYS AND STAFF DEVELOPMENT FOR TEACHERS
HB 597	02/28	04/11--(H)	CHAPTER NUMBER	EFFECTIVE DATE: 10/01/89
			SPONSOR: DARKO, PAULA	TITLE-REQUIRE SCHOOL BOARD POLICY ON PLACEMENT TESTS FOR CHILD FROM HOME SCHOOL
HB 618 A	03/09	04/27--(H)	TRANSMITTED TO GOVERNOR	

MINUTES

MONTANA SENATE 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: By Senator H. W. Hammond, Chairman, on
March 15, 1989, at 1:00 pm in Room 402 at the State
Capitol

ROLL CALL

Members Present: Senators: H. W. Hammond, Dennis Nathe,
Chet Blaylock, Bob Brown, R. J. "Dick" Pinsoneault,
William Farrell, Pat Regan, and Joe Mazurek

Members Excused: Senator John Anderson Jr.

Members Absent: None

Staff Present: Dave Cogley, Staff Researcher and
Julie Harmala, Committee Secretary

Announcements/Discussion:

None

HEARING ON HB 569

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE JERRY NISBET, House District #35, stated that this bill does two things; first, it incorporates into the statutes, the requirement that already exists in the administrative rules that the minimum of three of seven PIR days, be devoted to instructional and professional development or other appropriate in-service training for certified staff, and secondly, it prevents the closure of schools for the annual instructional and professional development meetings of the teachers organizations which have traditionally been held on the third Thursday and Friday in October.

List of Testifying Proponents and What Group they Represent:

ERIC FEAVER, The Montana Education Association

precludes school districts (Great Falls) from closing schools and declaring vacation days on in-service days.

HEARING ON HB 597

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE PAULA DARKO, House District #2, stated that she is bringing this bill before the committee and it does two things; first, it requires that school districts establish a policy for assessment of students who are entering public school from a non public school setting and this language has been amended to be "assessment" rather than "testing" and to be "non public schools" rather than "home schools." Secondly, this bill requires annual reporting for those families who choose not to put their children in the public schools. Right now she said as the current law stands, families have to report only once and this is at the time the children's education begins in the home school. She said that the county superintendents feel this should be an annual report that they report each fiscal year to the county superintendent, that they are home schooling their children.

She explained that she had originally put in a generic request and a group got together in Superintendent Keenan's office and the bill came about as a result of a problem encounter in her district. There was a student enrolling from a home school and when the student was placed in the secondary school in order to be given credit so he could qualify for graduation he had to be assessed.

She said she felt it would be good to have standard policies statewide so that it does not vary from school district to school district. She said she purposely changed the bill so that it would not be aimed just at home schools, but to include all those coming from non public schools.

She said she wanted to answer one question ahead of time and when going through the process of accreditation and how credits are transferrable in public schools. She said it can be assumed that the student does have the proficiency that is stated on the transcript but when the student is coming in from non public schools this is not the case. This is one of the privileges of going through the accreditation process, to have this transferability.

She explained that they got away from the word "testing," because testing is not always absolutely necessary in assessment. The bill has milder language now, but still

meets the needs that are seen statewide. She said the biggest thing this bill would accomplish is the annual reporting.

She said that she has met with the educational community and there will be a study during the interim on home schooling. She said she knows home schoolers feel under attack, but she said this is not the purpose of this bill. This suspicion needs to be eliminated and bill like HB 597 do a lot for dispelling this.

List of Testifying Proponents and What Group they Represent:

KAY MCKENNA, Lewis & Clark County Superintendent
BOB ANDERSON, The Montana School Board Association
HELEN WILLIAMS, Jefferson County Superintendent
DOROTHY LAIRD, Flathead County Superintendent
GREG DANIELZ, Valley County Superintendent
HOLLY KALECZYC, The Office of Public Instruction
ERIC FEAVER, The Montana Education Association
DON WALDRON, The School Administrators of Montana

Testimony:

KAY MCKENNA stated that she supported HB 597 with the amended changes. She agreed with changing non credited and non public instead of home schooling because it makes the bill far less discriminating. Changing "testing" to "assessment" gives school districts more flexibility. Presently there are 8,532 children taught by home schools or in private schools. Many of these curriculums do not mesh with those of the public schools and many of the children return to the public schools after only one year of home schooling.

She said from one of her own studies she found that 70% of the students in Lewis & Clark County that are registered in home schools, return to public school after one year.

She said she supported the addition of the words "...each school fiscal year," because this law means that home schoolers would have to notify the county superintendents each fiscal year. Many county superintendents would like to make this more concise and require it in writing but serious home schoolers do this anyway and this lends a lot of credibility to the home schooling program. It gives the county superintendents a chance to plug them into what ever programs are available in the public school system. They can be offered testing, resources, and the opportunity to attend an all school track meet.

She said that there were only twenty-six registered home schools. She has lost track of about twenty-three home schooled children, so it can be understood why it is important to have annual reporting. The law presently is very sketchy and it does not explain who will insure the 180 day requirement for attendance or who will insure that the school is safe or who will oversee the curriculum. Most county superintendents take this as their own responsibility and on the whole home school parents are terrific and respond positively on the county superintendents request. The only home schools that really oppose an annual notification are those that wish to keep Montana law, the loosest law on home schools in the United States. She said this bill unfortunately is not for the fine home schools, it is for those that can not be found. There is no school census and there is no way of knowing where these children are. The OPI insists that county superintendents offer them statistics in October and this can not be done since they have not all reported. Before local school districts get money for Chapter I sign offs, the home schoolers need to be registered.

She hoped for a do pass on HB 597.

BOB ANDERSON of the MSBA, stated that this now is a compromise bill and we would have liked to see stronger requirements and on Section 1 of the bill, the association of trustees are gearing up to deal with these new policies that will assist school boards to develop policies for home schooling.

HELEN WILLIAMS (See Exhibit #1) supports HB 597 and said that 90% of the home schoolers in Jefferson County are excellent about recording. This bill however is addressed to the people that do not ever report and is a way to keep track of missing children.

She said she would like the bill to be amended to read "report to the county superintendent in the home county." This bill would also be a way to prove that non public school children did indeed attend a school.

DOROTHY LAIRD stated that everyone should be aware that at the present time there are over 150 students in Flathead County that are being home schooled.

She said that record keeping for the county superintendents becomes a nightmare and this annual notification is very important. She reminded the committee that in the bill "notify" means "notify," not "register."

GREG DANIELZ said wanted to speak to the annual notification provision. He said that in Valley County there is a high turn over and several transients in the home schooling population.

HOLLY KALECZYK stated that Superintendent Keenan was pleased with those involved in the home school programs and she believes that many of the problems with home schooling have become institutionalized. She is also pleased with the changing of "testing" to "assessment." Superintendent Keenan said we all want any child to be placed in the most appropriate classroom or setting and OPI believes that annual reporting is very reasonable as well as being better for health and safety reasons.

ERIC FEAVER of the MEA, stated that they supported HB 597 and hoped the committee would concur in it.

DON WALDRON of SAM, also supported HB 597.

List of Testifying Opponents and What Group They Represent:

None

Questions From Committee Members:

Senator Pinsoneault asked about the white Aryan nation and the intrusion into Montana by those from Idaho and Washington. If these people want to register as a home school, he was concerned as to what these children would be taught at home. He ask if it was the role of the legislature to control this right wing element by requiring that teachers for the home schoolers be certified. Ms. Williams replied that there would be no way to be assured that a certified teacher feels the same way about such groups. Generally speaking there has been no indication that this is taking place.

Senator Blaylock asked if everyone was happy with the bill now. Rep. Darko replied yes because of the changing the language and the non public vs. home schooling was changed. She said that there has been an agreement reached that any kind of difference will be worked on through the interim.

Steve White of the Home School Coalition, stated that there is a very good relationship with home schoolers and superintendents. As years go by it get even better, there now is curriculum that was not available in past years and conventions are being held for the home schoolers.

He said the interest is to work with Nancy Keenan and other folks at OPI to see to it that non public schools are held accountable for the children (our number one asset). If these parents thought they were holding their children back from advancement in education, they would be the first to want to "bow out."

Senator Farrell pointed out a technical error on Line 16, where "testing" needed to be changed to assessment.

Closing by Sponsor:

REPRESENTATIVE DARKO closed by thanking all the county superintendents for attending. She said she appreciated the working relationship she had with the home school people and she added that she saw nothing wrong with including an amendment concerning home counties.

She urged the committee for a favorable consideration.

HEARING ON HB 618

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE TED SCHYE, House District #18, stated that this bill is the foundation bill. This particular bill is for only one year of funding for 1990, with a 4% increase over the current schedule.

He said we all had a good idea what was going to happen with the law suit. One area of concern is whether it could be implemented to equalize by the first year of the biennium. The school people's consensus was that it could not be implemented by the first year with the way it is going now with the debates and the arguments and the problems. He said this bill is essential for this school year because the schools now are in their budgeting process. They have to have an idea of what is going to go on. This is a 4% increase in the schedule.

(See Exhibit #1) This he said is one step in the equalization, which is going to have to be put in this session, It of course can not be implemented this coming year. It will kick in the second year of the biennium. This is a good bill because schools will be able to use this and go from there. This is not a side step from the equalization problem, this is just one piece of the puzzle for equalization, funding for just one year.

ROLL CALL

EDUCATION

COMMITTEE

511th LEGISLATIVE SESSION -- 1989

Date 3-15-89

NAME	PRESENT	ABSENT	EXCUSED
<u>Chairman Swede Hammond</u>	✓		
<u>Vice Chairman Dennis Nathe</u>	✓		
<u>Senator Chet Blaylock</u>	✓		
<u>Senator Bob Brown</u>	✓		
<u>Senator Dick Pinsoneault</u>	✓		
<u>Senator William Farrell</u>	✓		
<u>Senator Pat Regan</u>	✓		
<u>Senator John Anderson Jr.</u>			✓
<u>Senator Joe Mazurek</u>	✓		

Each day attach to minutes.

WITNESS STATEMENT

SENATE EDUCATION

EXHIBIT NO. 11NAME: Wen WilliamsDATE 3/15/89BILL NO. HB 597ADDRESS: Box 4, Courthouse, BoulderPHONE: 225-4251REPRESENTING WHOM? MACSSAPPEARING ON WHICH PROPOSAL: SB 597

DO YOU:

SUPPORT? ☒AMEND? ☒OPPOSE? ☐

COMMENTS:

a means of reporting - means
of missing track of non attending
school school & to keep a
handle on missing children.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

COMMITTEE ON

DATE

3-15-89

1 of 2

Education

(1:00 MWF)

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Don Waldron	Supt. Holgate Elem. Dist. #18 School Admin. of Montana	579 618	✓	✓ 569
Harry Haddock	Lincoln Co. School Syst.	569, 618 579, 618 H618	✓	
Harry D. Erickson	Bellevue Schools	597 646	✓	
Bruce W. Moeer	MSBA	569		✓
Bruce W. Moeer	MSBA	579 618	✓	
Bob Andersen	MSBA	579 618	✓	
Greg Daniel	MACSS			
Jeff Burt	MACSS	569 618 597 646	✓	
Jan Allie	MACSS		✓	
Dolores Hughes	MACSS			
Cathy Sessions	MACSS			
Charlotte Miller	MACSS			
Ellen Zook	MACSS			
Jean Nolan	MACSS			
Krys Cole	" "	597	✓	
Carol Elliott	MACSS	597	✓	
Shirley Ishell	MACSS	597	✓	
Ron McKenna	"	597	✓	
Dorothy Lind	MACSS - Flathead Co.	597	✓	
Debra Williams	MACSS Jefferson Co.	597	✓	
Jonny CAMPBELL	Board Pub. Ed.	618	✓	
Pat Melby	Unifund School Coalition	618	✓	
Carole Reynolds	MACSS	618	✓	
Bikki Fleming	AA CSS	618	✓	
Mary Ann Brown	MACSS	618	✓	
Sally Zundel	MACSS	697	✓	

(Please leave prepared statement with Secretary)

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(Please leave prepared statement with Secretary)

MINUTES

MONTANA SENATE 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: By Senator H. W. Hammond, on March 17, 1989,
at 1:00 pm in Room 402 at the State Capitol

ROLL CALL

Members Present: Senators: H. W. Hammond, Dennis Nathe,
Chet Blaylock, R. J. "Dick" Pinsoneault, Pat Regan,
William Farrell, John Anderson Jr., and Joe Mazurek

Members Excused: Senator Bob Brown

Members Absent: None

Staff Present: Dave Cogley, Staff Researcher and
Julie Harmala, Committee Secretary

Announcements/Discussion:

None

HEARING ON SB 464

Presentation and Opening Statement by Sponsor:

SENATOR PAUL RAPP-SVRCEK, Senate District #26, stated that this is a bill that addresses the problem that his superintendent raised when trustees are not sure what to do with the levies, so they wait until after the legislature is finished with their business before they have an election. Many of the years there are trustee elections at the same time as levies are voted on and right now by law these trustee elections are mandated to be held on the first Tuesday in April. So the way the bill is written, is that a trustee election either has to be held on a regularly scheduled school day or it can be held on the same day as the levy election. This is a way to save money.

He said he tried to keep the language as tight as possible so it would not affect other election that are held on the first Tuesday in April. He also said he thought it was important to try and help out the local districts. If the committee should act favorably on this bill he said he wanted to run it through the process as quickly as possible.

DISPOSITION OF SB 464

Recommendation and Vote:

Senator Farrell moved to table SB 464.

Senator Blaylock called for the question.

THE MOTION CARRIED UNANIMOUSLY, THAT SB 464 BE TABLED.

DISPOSITION OF HB 569

Recommendation and Vote:

Senator Regan moved that HB 569 do be concurred in.

Senator Blaylock called for the question.

THE MOTION CARRIED 8 TO 1, with Senator Farrell voting against it.

Senator Blaylock will carry HB 569 to the floor of the Senate.

DISPOSITION OF HB 597

Amendments and Votes:

Senator Pinsoneault moved that all three amendment to HB 596 do pass. (See Exhibit #1)

Senator Blaylock called for the question.

THE MOTION CARRIED UNANIMOUSLY.

Recommendation and Vote:

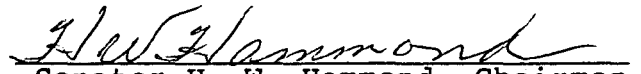
Senator Pinsoneault moved that HB 597 do be concurred in as amended.

Senator Nathe called for the question.

THE MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment At: 2:30 pm



Senator H. W. Hammond, Chairman

HH/jh

Senmin.317

ROLL CALL

EDUCATION

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date 3-17-89

NAME	PRESENT	ABSENT	EXCUSED
<u>Chairman Swede Hammond</u>	✓		
<u>Vice Chairman Dennis Nathe</u>	✓		
<u>Senator Chet Blaylock</u>	✓		
<u>Senator Bob Brown</u>			✓
<u>Senator Dick Pinsoneault</u>	✓		
<u>Senator William Farrell</u>	✓		
<u>Senator Pat Regan</u>	✓		
<u>Senator John Anderson Jr.</u>	✓		
<u>Senator Joe Mazurek</u>	✓		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

March 17, 1989

MR. PRESIDENT:

We, your committee on Education and Cultural Resources, having had under consideration HB 597 (third reading copy -- blue), respectfully report that HB 597 be amended and as so amended be concurred in.

Sponsor: Darko (Hazurek)

1. Page 1, line 15.
Following: "district"
Insert: "assessment for"

2. Page 1, line 16.
Strike: "testing"

3. Page 7, line 6.
Following: "schools"
Insert: ", of the county in which the home school is located, in"

AND AS AMENDED BE CONCURRED IN

Signed: _____
H. W. Hammond, Chairman

4/10
3/17/89
d. p. m.

scrhb597.317

SENATE STANDING COMMITTEE REPORT

March 17, 1989

MR. PRESIDENT:

We, your committee on Education and Cultural Resources, having had under consideration HB 597 (third reading copy -- blue), respectfully report that HB 597 be amended and as so amended be concurred in:

Sponsor: Darko (Hazard)

1. Page 1, line 15:

Following: "district"

Insert: "assessment for"

2. Page 1, line 16:

Strike: "Testing"

3. Page 7, line 6:

Following: "schools"

Insert: ", of the county in which the home school is located, in"

AND AS AMENDED BE CONCURRED IN

Signed: _____

H. W. Hammond, Chairman

410
3/17/89
H. W. Hammond

March 17, 1989

COMMITTEE ON ~~EDUCATION~~

1:00 M W F

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)